



UNITED STATES PATENT AND TRADEMARK OFFICE

4/1
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,124	04/26/2001	Atsushi Okuyama	35.C15505	6742
5514	7590	05/14/2003		

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
KOVAL, MELISSA J

ART UNIT	PAPER NUMBER
2851	

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/842,124	OKUYAMA ET AL.
	Examiner Melissa J Koval	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) 5,6 and 14 is/are withdrawn from consideration.

5) Claim(s) 1-4,7-13 and 15-19 is/are allowed.

6) Claim(s) 20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Election/Restrictions

This application contains claims 5, 6 and 14 are drawn to an invention nonelected without traverse in Paper No. 8. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

With respect to the drawings, applicant's remarks on page 13 of the March 13, 2003 are persuasive. Therefore, the examiner withdraws the objections to the drawings set forth in the Office Action of November 13, 2002.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki.

Refer to Figure 3 of Yamazaki, for example.

Claim 20 sets forth: "An optical system comprising:

an illumination optical system for guiding illumination light to a reflection type display device,

wherein said illumination optical system comprises:

a first optical member for directing the illumination light toward the reflection type display device (display optical system 101. Illumination light from 31 passes through transmissive LCD 2 and ultimately reaches CCD 3 that reflects light.); and

a second optical member that includes a reflecting surface which deflects a principal optical path of illumination light from a light source and emits the illumination light, reflected by the reflecting surface, toward said first optical member (image pick-up optical system 102); and

a projection optical system for guiding image light (see through optical system 103 that functions equivalently to a projection system.), reflected by the reflection type display device, to an observer.

With respect to applicant's arguments on page 15 of the amendment of March 13, 2003, applicant states: "Claims 19 and 20 relate to an optical system that includes an illumination optical system having the features of claim 1 and 10, respectively." The examiner respectfully disagrees with the applicant's remarks regarding claim 20, in particular. Claim 20 does not show or suggest "a part generating a secondary light source with the illumination light emitted from said light source, in which the light from the part emerges toward said first optical member." Therefore claim 20 does not distinguish over Yamazaki.

Allowable Subject Matter

Claims 1-4, 7-13, and 15-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Claims 1 and 19 include the following claim language that is neither shown nor suggested by the prior art of record:

"a part generating a secondary light source with the illumination light emitted from said light source, in which the light from the part emerges toward said first optical member."

Claim 10 includes similar claim language as follows: "a second optical member including a reflecting surface which deflects a principal optical path of the illumination light from said light source and emitting the illumination light, reflected by said reflecting surface, toward said first optical member."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Togino et al. U.S. Patent 6,445,507 B2 teaches a viewing optical system and image display apparatus using the same.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J Koval whose telephone number is (703) 308-4801. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on Monday through Thursday at (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MJK
May 10, 2003



RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800